

REMARKS

Claims 1-13 are pending in the application. Claim 1 is amended, and is supported by the specification as originally filed, particularly claims 9 and 13, and the specification at least at page 5, lines 18-21 and lines 27-29; page 6, lines 16-19; page 7, lines 23-25 and lines 28-29; and page 8, line 14 to page 9, line 2. Claims 1, 3, 7, 8, and 10-12 are amended to delete reference signs and correct grammatical and/or typographical errors. Claims 9 and 13 are cancelled.

Consideration of the amendments and remarks after final is proper under 37 C.F.R. §1.116 because 1) the amendment does not add new matter; 2) the amendments and remarks clarify issues previously presented; and 3) the amendment and remarks place the application in condition for allowance, or at least in better condition for appeal, should an appeal be necessary. Entry and consideration of the amendment and remarks is thus respectfully solicited.

Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated over Chen et al. (US 2002/0169893), hereinafter Chen. Applicants traverse the rejection for at least the following reasons.

Chen discloses a system and a method for synchronizing computer data such that work can be conducted from a remote location. Chen discloses databases, servers, and a synch application adapted to communicate with a plurality of reception devices via a network. Chen disclose means for synchronizing communications between a plurality of reception devices, such that a plurality of users operating these reception devices can simulate an in-person meeting by simultaneously viewing original computer data and corresponding annotated data. Moreover, each reception device can become a controlling device in the in-person meeting.

But, Chen does not disclose, as in amended claim 1 of the present application, when a multimedia message is sent from a first terminal to a second terminal, an automatic association of a receiving address of the second terminal with the subscription identifier to an archiving service specific to said second terminal. Chen further does not disclose an automatic reformatting of the multimedia message with additional data, said additional data comprising a dynamic link corresponding to the subscription identifier to perform an automatic billing of the archiving with the archiving service.

The claimed invention is directed to a temporary archiving, for instance in a MMS-Center (*see*, for example, the specification at page 5, lines 18-21), of a multimedia message by providing an automatic payable archiving service to a

receiving terminal of said multimedia message (*see*, for example, the specification at page 7, lines 11-14 and page 9, lines 1-2). This enables archiving of the multimedia message in a secure manner up to the moment when it is consulted on the receiving terminal. The compensation is the automatic billing of the archiving service to archive the multimedia message. The archiving service is not free, but ensures or secures the storage of the multimedia message until its consultation by the addressee (receiving terminal). The reason to implement this payable archiving is to avoid the destruction of the multimedia message before its consultation on the receiving terminal. Often servers only temporarily archive messages, and as such, the message on the first server can, in some instances, be destroyed before viewing by the receiving terminal.

For at least the above reasons, Chen does not teach, disclose, or suggest all the features of claim 1. Claims 2-8 and 10-12 depend upon claim 1, and are distinguishable from Chen for at least the same reasons. Reconsideration and withdrawal of the rejection under 35 U.S.C. 102(e) of claims 1-12 are respectfully requested.

Claim 13 is rejected under 35 U.S.C. 103(a) over Chen in view of Kuzma (US 5,771,355). Claim 13 is herein cancelled, rendering the rejection moot.

As at least a portion of claim 13 was incorporated into claim 1 as amended herein, Applicants herein address, for completeness, any rejection of claim 1 and the claims dependent therefrom under 35 U.S.C. 103(a) over Chen in view of Kuzma as it originally applied to claim 13, which had depended from claim 1..

Kuzma (US 5,771,355) discloses means for transmitting an e-mail over a network. Kuzma attempts to minimize overall network costs (*see* column 9, lines 56-57) and storage costs (*see* column 10, lines 24-26).

Kuzma does not teach, disclose, or suggest automatically reformatting a multimedia message with additional data, said additional data comprising a dynamic link corresponding to a subscription identifier inherent to a receiving terminal, automatically billing of the archiving of the multimedia message, or automatically archiving the multimedia message until it is consulted on the receiving terminal. Kuzma in fact teaches away from the present invention because Kuzma is directed to minimizing overall costs, including storage costs, and therefore would not include an automatically billable function as claimed by Applicants.

Kuzma does not overcome the deficiencies of Chen as explained elsewhere herein. Therefore, for at least the reasons set forth throughout the remarks, claim 1 and all claims dependent therefrom are patentable over Chen, Kuzma, or Chen in view of Kuzma.

All of claims 1-8 and 10-12 being in condition for allowance for at least the above reasons, reconsideration and prompt action in the form of a Notice of Allowance are respectfully solicited. Should the Examiner require anything further, or have any questions, the Examiner is asked to contact Applicants' undersigned representative.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.